



PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

10

Application Number

Patent No. 6,872, 523 / App. No. 09/580,797

Filing Date

May 30, 2000

First Named Inventor

Peter C. Iwen

Art Unit

1634

Examiner Name

Jeanine Anne Goldberg

Attorney Docket Number

UNMC-IWEN

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):1 Sheet of Request for Certificate of
Correction

3 Sheets of Certificate of Correction

Remarks

In the event the that a fee is required in connection with this submission and not enclosed, the Commissioner is authorized to charge such fee to the account of the undersigned attorneys, Account No. 04-1406. A duplicate copy of this sheet is enclosed.

Certificate**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

NOV 04 2005

Firm Name

DANN, DORFMAN, HERRELL AND SKILLMAN - Cusotmer No. 000110

Signature

Printed name

Kathleen D. Rigaut, Ph.D., J.D.

Date

October 26, 2005

Reg. No.

43,047

of Correction**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Jane C. Bogan

Date

October 26, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NOV 08 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: U.S. Patent No. 6,872,523 B1
Issued: March 29, 2005
To: The Board of Regents of the University of Nebraska
Title: MATERIALS AND METHODS FOR MOLECULAR DETECTION OF
CLINICALLY RELEVANT PATHOGENIC FUNGAL SPECIES

Certificate of Mailing Under 37 CFR §1.8(a)

I hereby certify that this correspondence is being deposited on October 26, 2005 with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER OF PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450.

October 26, 2005

Date of Certificate

Jane C. Bogan
Jane C. Bogan

To the Hon. Commissioner
for Patents

REQUEST FOR CERTIFICATE OF CORRECTION UNDER § 1.323

We are enclosing herewith three (3) sheets of Certificate of Correction Form PTO/SB/44 correcting typographical errors in the above-identified patent. Applicant submits herewith the required fee under 37 C.F.R. §1.20(a) in the amount of \$100.00 to correct the indicated errors present in the specification and claims. In the event that any additional fee is required in connection with this submission and not enclosed, the Commissioner is authorized to charge such fee to the account of the undersigned attorneys, Account No. 04-1406. A duplicate copy of this sheet is enclosed.

The Examiner is respectfully requested to contact the below-named attorney if a clean copy of the specification is deemed necessary. It is respectfully requested that a Certificate of Correction be issued to correct the above-noted errors.

Respectfully submitted,

DANN, DORFMAN, HERRELL & SKILLMAN
A Professional Corporation
Attorneys for Applicant

By Kathleen D. Rigaut
Kathleen D. Rigaut, Ph.D., J.D.
PTO Registration No. 43,047

11/02/2005 MBELETE1 00000025 6872523

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100.00 DP

Telephone: (215) 563-4100

NOV 08 2005



FEE TRANSMITTAL

Complete if known

Patent No. 6,872,523// Application Number: 09/580,797

Filing Date: May 30, 2000

First Named Inventor: Peter C. Iwen

Group Art Unit: 1634

Examiner Name: Jeanine Anne Goldberg

Total Amt. of Payment: (1)+(2)+(3)= **\$100**

Attorney Docket Number: UNMC.IWEN

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to:

☐ Charge indicated fees

☒ Charge additional fees

☒ Credit overpayments

to the account of DANN, DORFMAN, HERRELL & SKILLMAN

Deposit Account Number 04-1406

2. Payment enclosed:

Check in the amount of \$100

FEE CALCULATION

1. FILING FEE

Fee Description

Utility filing fee

Design filing fee

Plant filing fee

Reissue filing fee

Fee

SUBTOTAL (1)

FEE CALCULATION (continued)

ADDITIONAL FEES

Fee Description

Fee Paid

Surcharge-late filing fee or oath

Surcharge - late provisional filing fee or cover sheet

Extension for response within two months

Notice of Appeal

Filing a brief in support of an appeal

Request for oral hearing

Petition to revive unavoidably abandoned application

Petition to revive unintentionally abandoned application

Issue Fee

Petitions to the Commissioner

Petitions related to provisional applications

Submission of Information Disclosure Stmt.

Recording each patent assignment per property

Other fee (specify) Certificate of Correction

100.00

SUBTOTAL (3) \$100

2.

Paid Extr Fee

Total Claims - = 0 x = 0

Independent Claims - = 0 x = 0

Multiple Dependent

(First presentation)

SUBTOTAL (2) \$0

Submitted By:

Typed or

Printed Name Kathleen D. Rigaut, Ph.D., J.D.

Reg. Number 43,047

Deposit Account User ID

Signature Kathleen D. Rigaut

Date October 26, 2005

04-1406

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Total Claims - = 0 x = 0

Independent Claims - = 0 x = 0

Multiple Dependent

(First presentation)

SUBTOTAL (2) \$0

Submitted By:

Typed or

Printed Name Kathleen D. Rigaut, Ph.D., J.D.

Reg. Number 43,047

Deposit Account User ID

Signature Kathleen D. Rigaut

Date October 26, 2005

04-1406

NOV 08 2005

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 3PATENT NO. : US 6,872,523 *bi*

APPLICATION NO.: 09/580,797

ISSUE DATE : March 29, 2005

INVENTOR(S) : Peter C. Iwen, Steven H. Hinrichs, Travis Henry

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 1, line 52: with invasive disease. Early recognition of invasive fungal
 Column 2, line 48: *Aspergillus fumigatus*, *Aspergillus flavus*, *Pseudallescheria*
 Column 2, line 61: tainted in the sample; b) adding two known oligonucleotide
 Column 3, line 18: probes are used in step (d each being connection to (a) a
 Column 3, line 24: *Penicillium* spp., having the nucleotide sequence of (SEQ
 Column 3, line 63: is separated from sequences with which it is immediately
 Column 3, line 64: contiguous (in the 5' and 3' directions) in the naturally
 Column 4, line 42: homology is set forth below (Sambrook et al., Molecular
 Column 5, line 38: or similar activity to yield a primer extension product. The
 Column 5, line 44: plate to prime the synthesis of the desired extension
 Column 5, line 45: product, that is, to be able to anneal with the desired template
 Column 5, line 50: an exact complement of the desired template. For example,
 Column 6, line 46: I. Preparation of Nucleic Acid Molecules and Primers
 Column 6, line 64: Inc., Valencia, CA) and protocols for crude cell lysates as
 Column 7, line 16: used according to methods known in the art, such as the
 Column 7, line 17: polymerase chain reaction (PCR) method.
 Column 7, line 22: In accordance with the present invention, nucleic acid
 Column 7, line 40: cDNA, genomic DNA, RNA, and fragments thereof which
 Column 8, line 11: fungi is DNA sequence analysis, however, the methodology
 Column 8, line 27: either the pathogenic nucleic acid sequence, the
 Column 8, line 40: e) using PCR involving one or more primer-based
 Column 9, line 68: et al. were made to optimize the amplification procedure
 Column 10, line 26: purified and ligated into the PCR 2.1 plasmid vector using

MAILING ADDRESS OF SENDER (Please do not use customer number below):

DANN, DORFMAN, HERRELL AND SKILLMAN, P.C.
 1601 Market Street, Suite 2400
 Philadelphia, PA 19103

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 2 of 3PATENT NO. : US 6,872,523 **B1**

APPLICATION NO.: 09/580,797

ISSUE DATE : March 29, 2005

INVENTOR(S) : Peter C. Iwen, Steven H. Hinrichs, Travis Henry

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10, line 28: Diego, CA. Competent INV F' One Shot cells were

Column 11, line 5: Sequence Analysis

Column 11, line 36: Sequence analysis of Aspergillus specimens was per-

Column 12, line 15 of text under table: that both single nucleotide differences and short lengths of

Column 15, line 60: Abbreviations: ATCC, American Type Culture Collection; IMI, Invasive Mold Infections (UMNC); a As compared to A. fumigatus ATCC 36607. b Sequence deposited into GenBank as part of this study. c Reference strain sequenced but not deposited into GenBank.

Column 16, line 11: infectious molds from clinical samples. The number of cases

Column 16, line 60: 1 and 2 regions (21). Gaskell et al. investigated sequence

Column 18, line 24: results available within 48 h, confirmed the value of this

Column 18, line 63: facilitates the species specific identification of fungi. Addi-

Column 29, line 1 of text following addendum 1: References

Column 61, line 1: What is claimed is:

Column 61, line 4: method comprising the following steps:

Column 61, line 5: a) extracting nucleic acid material from fungi contained in

Column 61, line 9: ers consisting of SEQ ID NO:1 and the other primer

Column 61, line 10: consisting of SEQ ID NO:2, said primers bracketing a

Column 61, line 14: Aspergillus terreus (SEQ ID NO:4), Aspergillus niger

Column 61, line 15: (SEQ ID NO:5), Aspergillus nigrulans (SEQ ID NO:6),

Column 61, line 20: a portion of the hypervariable region bracketed by said

Column 61, line 21: primers, said probes being selected from the group con-

Column 61, line 22: sisting of at least 15-25 contiguous nucleotides of SEQ

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Philadelphia, PA 19103

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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 3 of 3

PATENT NO. : US 6,872,523 **61**
 APPLICATION NO.: 09/580,797
 ISSUE DATE : March 29, 2005
 INVENTOR(S) : Peter C. Iwen, Steven H. Hinrichs, Travis Henry

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 61, line 26: one of said fungal species from said group, to deter-
 Column 61, line 27: mine whether said fungal species identified by each
 Column 61, line 30: procedure in the polymerase chain reaction.
 Column 61, line 39: different signal moiety or (b) a moiety which allows separ-
 Column 61, line 40: ation of said probes.
 Column 61, line 49: nucleic acid sequences of SEQ ID NOs: 3-8 to determine
 Column 61, line 58: (SEQ ID NO: 5), *Aspergillus nidulans* (SEQ ID NO: 6),
 Column 61, line 59: *Aspergillus fumigatus* (SEQ ID NO: 7), and *Aspergillus*
 Column 61, line 60: *flavus* (SEQ ID NO: 8), said method comprising the step of:
 Column 62, line 2: sample and amplifying said fungal nucleic acid with polymerase chain
 Column 62, line 3: reaction using a primer set consisting of SEQ ID NO:
 Column 62, line 7: c) comparing said restriction mapping patterns of said
 Column 62, line 13: 7. A method for determining which *Aspergillus* species
 Column 62, line 18: *flavus* (SEQ ID NO: 8), is present in a biological sample, said
 Column 62, line 25: ID NOs: 3-8; and
 Column 62, line 26: c) analyzing said permeabilized tissue sections with said
 Column 62, line 30: 8. A universal primer set for amplification of a target
 Column 62, line 34: GTATCCCTACCTGATCCGAGG (SEQ ID NO: 2).
 Column 62, line 37: a) a universal primer set, said primer set consisting of the
 Column 62, line 38: sequence of SEQ ID NO: 1 and SEQ ID NO: 2;
 Column 62, line 44: d) means for contacting said released DNA with a primer
 Column 62, line 53: apparatus for performing gel electrophoresis of said ampli-
 Column 62, line 55: 12. A kit as claimed in claim 9, further comprising nucleic
 Column 62, line 56: acids having sequences of SEQ ID NOs: 3-8.

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